

REMARKS

As a preliminary matter, the Examiner incorrectly states, on page 2 of Paper No. 3, that Applicants have not filed a certified copy of the foreign Priority Document in this case. In fact, Applicants specifically filed such documents on October 4, 2001, and received acknowledgement from the Patent Office that such documents were received (copies enclosed). Applicants do wish to point out to the Examiner though, that the certified copies were not filed with the original Application papers themselves on June 13, 2001, but separately, three months thereafter. Accordingly, Applicants respectfully request that the Examiner acknowledge receipt of the certified copies in the next communication from the Patent Office.

Claims 12-19 stand rejected under 35 U.S.C. 112 (no paragraph stated in the rejection) for providing insufficient antecedent basis. Specifically, the Examiner asserts that the phrase “the step,” or “the steps,” which appears in all of these claims, is a limitation to the claims, and one which requires an antecedent basis. These assertions are erroneous.

First, Applicants wish to point out to the Examiner that he has neglected to include the additional claim language surrounding each of the rejected phrases. By including this language, the Examiner will note that every cited instance is part of a larger phrase reciting either “comprising the steps of,” or “comprising the step of.” In other words, each instance of this entire phrase is not a limitation in the claims, but only the *transitional* phrase that is legally recognized to separate the preamble from the body of the claim.

Second, it is a well-known and accepted practice in drafting method/process claims to use the phrase “comprising the steps of” as the transition. This particular form is even recommended to practitioners as an acceptable method claim transitional phrase. See Landis on Mechanics of Patent Claim Drafting, 4th Ed., §37 (p. IV-7) (November 1997). Accordingly, for the foregoing reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-2, 8-9, 12-13 and 16-17 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hamada et al. (U.S. 5,402,400). Applicants respectfully traverse this rejection because the cited reference does not disclose (or suggest) how to actually obtain an amount of disturbance for a disturbance compensation unit or method.

The Examiner correctly notes the Hamada teaches a disk device with disturbance compensation. (See col. 5, line 37, to col. 6, line 2). Hamada describes controlling the disturbance compensation by adding first and second external disturbance compensation signals to a positioning compensation signal supplied to a drive circuit. (See col. 5, lines 45-61). A first correction means adds the first external disturbance compensation signal, memory means stores this same signal and outputs it together with the position signal, and a second correction means adds a second external disturbance compensation signal to the output signal. Hamada, however, remains silent on how the amount of either disturbance compensation signal is obtained.

In contrast, independent claims 1 and 12 of the present invention both recite, among other things, that an amount of disturbance is obtained based on a time interval

measurement and reading predetermined information sectors of the disk. Hamada neither teaches nor suggests any similar elements or steps. As discussed above, Hamada only discusses how the disturbance signals are used, but is silent regarding how they are obtained. The Examiner has not cited anything within the reference teaching or suggesting that the disturbance amount is based on a time interval measurement in reading predetermined information sectors on a disk. Accordingly, for at least these reasons, the Section 102 rejection of independent claims 1 and 12 based on Hamada is respectfully traversed.

Claims 2 and 8-9 depend directly or indirectly from independent claim 1, and claims 13 and 16-17 depend directly or indirectly from independent claim 12, and therefore all of these dependent claims include all of the features of their respective base claims, plus additional features. Accordingly, the Section 102 rejection of claims 2, 8-9, 13, and 16-17 based on Hamada is respectfully traversed for at least the reasons discussed above in traversing the rejection of independent claims 1 and 12.

Claims 3-7 and 14-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada in view of Sidman et al. (U.S. 5,426,545). Applicants respectfully traverse this rejection for at least the reasons discussed above. Claims 3-7 depend directly or indirectly from independent claim 1, and claims 14 and 15 depend from independent claim 12. The Examiner cites Sidman only for teaching an angular acceleration sensor, but not for how the amount of disturbance is obtained for a disturbance compensation unit or method. Accordingly, Applicants respectfully request that the Examiner withdraw this Section 103 rejection.

Claims 10-11 and 18-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada in view Smith et al. (U.S. 6,678,108). Applicants respectfully traverse this rejection for at least the reasons discussed above. Claims 10-11 depend from independent claim 1, and claims 18-19 depend indirectly from independent claim 12. Accordingly, Applicants respectfully request that this Section 103 rejection also be withdrawn.

Additionally, Applicants further note that the filing date of the Smith reference, May 14, 2001, is after the claimed priority date of the present Application. Applicants submit that the Examiner should want to remove Smith as prior art against the present invention once the Examiner is able to locate the certified Priority Documents Applicants filed in this Application on October 4, 2001.

New claim 20 has been added to recite another combination of features of the present invention. Applicants respectfully point out to the Examiner that new claim 20 also includes features similar to those in independent claims 1 and 12 that were argued above, namely, that an amount of disturbance is obtained based on time intervals of predetermined information. Entry, consideration on the merits, and allowance of new claim 20 are therefore respectfully requested.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-20, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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